

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BMT DESIGNERS & PLANNERS INC.,

Debtor.

Chapter 7

Case No. 22-10123 (MG)

STEVEN VIGUS, JEFFREY VANDALL, and
CREIGHTON HOGAN, on behalf of themselves
and all others
similarly situated,

Plaintiffs,

Adv. Pro. No. 22-01015 (MG)

v.

BMT DESIGNERS & PLANNERS, INC.,

Defendant.

**ORDER AUTHORIZING THE CHAPTER 7 TRUSTEE TO: (I) MAKE AN INTERIM
DISTRIBUTION IN CONNECTION WITH THE SETTLEMENT OF THE ABOVE-
CAPTIONED ADVERSARY PROCEEDING; AND (II) DISTRIBUTE TO ADP, INC. THE
FUNDS NECESSARY TO EFFECTUATE SUCH INTERIM DISTRIBUTION**

Upon the motion (“Motion”)¹ of Salvatore LaMonica, solely in his capacity as the Chapter 7 Trustee (“Trustee”) of the bankruptcy estate of BMT Designers & Planners, Inc., fdba BMT D&P, fdba BMT fdba BMT DAS US (“Debtor”), seeking the entry of an Order authorizing the Trustee to: (i) make interim distributions, pursuant to Bankruptcy Rule 3009, on account of the Gross Priority Allowed Claim and the Service Payment allowed in connection with the Stipulation entered in the above captioned Adversary Proceeding; (ii) authorizing the Trustee to engage ADP

¹ Capitalized terms not otherwise defined herein shall have the definition ascribed to them in the Motion.

to distribute to ADP the funds necessary to effectuate such interim distributions, and to pay the related expenses; and (iii) granting the Trustee related relief; and there having been no objections filed with the Court; and due and adequate notice of the Motion having been given under the circumstances; and it appearing that no other notice need be given; and upon the Trustee having filed a Certificate of No Objection to the relief sought in the Motion; and upon hearing scheduled for **September 26, 2023 at 11:00 a.m.** having been marked off the Court's calendar; and after due deliberation and good cause appearing therefor,

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. The Trustee is authorized and allowed to make an interim distribution to ADP in the amount of \$975,340.53 in connection with Gross Allowed Priority Claim under the terms of the Stipulation.
3. The Trustee is authorized and allowed to make an interim distribution to Plaintiffs' counsel, Murphy Anderson PLLC, in the amount of \$524,659.47 on account of the Court awarded legal fees and expenses in connection with Gross Allowed Priority Claim under the terms of the Stipulation.
4. The Trustee is authorized and allowed to make an interim distribution to ADP in the amount of \$8,485.58 in connection with Service Payment under the terms of the Stipulation.
5. The Trustee is authorized and allowed to make an interim distribution to Plaintiffs' counsel, Murphy Anderson PLLC, in the amount of \$4,242.79 on account of the Court awarded legal fees and expenses in connection with Service Payment under the terms of the Stipulation.
6. The Trustee is authorized the engage ADP to make the interim distributions to Plaintiffs in accordance with the Stipulation, and to the extent necessary to make distributions on

account of the Gross Allowed General Unsecured Claim and pay the related fees and expenses of ADP on account of such distributions.

7. The Trustee is hereby authorized and empowered to take such steps, expend such funds and perform such acts as maybe necessary to implement and effectuate the terms of this Order and the Stipulation.

8. This Court shall retain jurisdiction over all matters arising from or related to the interpretation and/or implementation of this Order.

IT IS SO ORDERED.

Dated: September 25, 2023
New York, New York

/s/ Martin Glenn
MARTIN GLENN
Chief United States Bankruptcy Judge